

REMARKS

By this Amendment, Applicant amends claims 1, 7, and 13-16 and adds new claim 17 to address another aspect of the present invention. Upon entry of this Amendment, claims 1-4 and 6-17 will be pending.

In the final Office Action,¹ the Examiner rejected claims 1, 7, and 13-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,408,395 to Sugahara et al. ("Sugahara"); rejected claims 2, 3, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Microsoft, User Power Schemes for the Tablet PC ("Microsoft"); rejected claims 4, 6, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of U.S. Patent No. 6,928,567 to Nakai ("Nakai"); and rejected claims 5 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Japanese Patent Application Publication No. 11-110085 to Yamanaka et al. ("Yamanaka").² Applicant respectfully traverses the Examiner's rejections under § 102 and § 103.

Regarding the rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the Examiner's rejection of claims 1, 7, and 13-16 under 35 U.S.C. § 102(b) as being anticipated by Sugahara. In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of

¹ The Examiner apparently repeated the rejections made in the previous office action. For example, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) while claim 5 had been canceled in the previous Amendment. Therefore, the Examiner's reference to "new ground(s) of rejection" at page 2 of the Office Action appears to be incorrect. Applicant respectfully requests corrections in the next Office Action regarding these discrepancies.

² The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

inherency, in a single prior art reference. Further, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, “a time setting unit included in the electronic apparatus and configured to set time zone information based on an input from a user for carrying out each operation mode of the electronic apparatus.” Sugahara fails to disclose at least this element of amended claim 1.

Sugahara discloses that “the information processing system includes a first information processing apparatus 1 which is used as a server, and a plurality of second information processing apparatuses 2 (only 1 shown) which are used as clients, and these first and second information processing apparatuses 1 and 2 are coupled via a network 3.” Sugahara, column 4, lines 21-27, emphasis added.

“The first information processing apparatus 1 includes a power save controller 11 which outputs to the network 3 a control signal instructing the power save mode of each of the second information processing apparatuses 2, . . . the second information apparatus 2 includes a power save mode controller 21 which switches the operation mode to the power save mode in response to a control signal input via the network 3.” Sugahara, column 4, lines 36-48, emphasis added. Therefore, Sugahara’s teaching of the power save controller 11 transmitting a control signal to network 3 for changing a client’s operation mode does not constitute “a time setting unit included in the electronic

apparatus . . . carrying out each operation mode of the electronic apparatus,” as recited in amended claim 1 (emphasis added).

Further, in Sugahara, “control signal transmitting part 52 transmits a power save control signal depending on the schedule stored in the member structure/schedule storage part 51.” *Id.*, column 5, lines 45-48, emphasis added. Such stored schedule in Sugahara does not constitute “time zone information based on an input from a user,” as recited in amended claim 1 (emphasis added). In fact, Sugahara is silent on the claimed “time zone information based on an input from a user,” as recited in amended claim 1 (emphasis added).

Therefore, Sugahara fails to disclose each and every element of amended claim 1. Sugahara thus cannot anticipate amended claim 1 under 35 U.S.C. § 102(b). Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of amended claim 1.

Further, amended independent claims 7 and 13-16, while of different scope, include similar recitations to those of amended claim 1. Amended claims 7 and 13-16 are therefore also allowable for at least the same reasons as stated above with respect to amended claim 1. Applicant also requests withdrawal of the Section 102(b) rejection of amended claims 7 and 13-16.

Regarding the rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the Examiner’s rejection of claims 2, 3, 8, and 9 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Microsoft, because a *prima facie* case of obviousness has not been established.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Claims 2 and 3 depends from claim 1, and claims 8 and 9 depend from claim 7. As set forth above, Sugahara fails to teach or suggest at least “a time setting unit included in the electronic apparatus and configured to set time zone information based on an input from a user for carrying out each operation mode of the electronic apparatus,” as recited in claim 1 and required by claims 2 and 3, or “a second setting unit included in the electronic apparatus and configured to set a corresponding time zone based on an input from a user for carrying out each operation mode of the electronic apparatus,” as recited in claim 7 and required by claims 8 and 9.

Microsoft fails to cure Sugahara’s deficiencies. The Examiner alleges that “Microsoft explicitly teaches turning off a monitor and/or hard drive in a power conservation mode when no operation of the computer is made beyond a time period shorter than a time period when not in a power conservation mode [page 3].” (Office Action at 4.) Even assuming the Examiner’s allegation is true, with which Applicant does not necessarily agree, Microsoft fails to teach or suggest at least “a time setting unit included in the electronic apparatus and configured to set time zone information based on an input from a user for carrying out each operation mode of the electronic

apparatus,” as recited in claim 1 (emphasis added) and required by claims 2 and 3, or “a second setting unit included in the electronic apparatus and configured to set a corresponding time zone based on an input from a user for carrying out each operation mode of the electronic apparatus,” as recited in claim 7 (emphasis added) and required by claims 8 and 9.

Therefore, neither Sugahara nor Microsoft, taken alone or in any combination, teaches or suggests all claim elements required by claims 2, 3, 8, and 9. A *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 2, 3, 8, and 9.

Applicant also respectfully traverses the Examiner’s rejection of claims 4, 6, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Nakai. Claims 4 and 6 depend from claim 1, and claims 10 and 12 depend from claim 7.

Nakai also fails to cure the deficiencies of Sugahara listed above. The Examiner alleges that “Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20].” (Office Action at 4.) Even assuming the Examiner’s allegation is true, with which Applicant does not necessarily agree, Nakai fails to teach or suggest at least “a time setting unit included in the electronic apparatus and configured to set time zone information based on an input from a user for carrying out each operation mode of the electronic apparatus,” as recited in claim 1 (emphasis added) and required by claims 4 and 6, or “a second setting unit included in the electronic apparatus and configured to set a corresponding time zone

based on an input from a user for carrying out each operation mode of the electronic apparatus," as recited in claim 7 (emphasis added) and required by claims 10 and 12.

Therefore, neither Sugahara nor Nakai, taken alone or in any combination, teaches or suggests all claim elements required by claims 4, 6, 10, and 12. A *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 4, 6, 10, and 12.

Applicant also respectfully traverses the Examiner's rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Yamanaka. Claim 11 depends from claim 7.

Yamanaka, as well, fails to cure the deficiencies of Sugahara listed above. The Examiner alleges that "Yamanaka explicitly teaches that power can be conserved by throttling a processor speed rather than running a processor fan [abstract]." (Office Action at 5.) Even assuming the Examiner's allegation is true, with which Applicant does not necessarily agree, Yamanaka fails to teach or suggest at least "a second setting unit included in the electronic apparatus and configured to set a corresponding time zone based on an input from a user for carrying out each operation mode of the electronic apparatus," as recited in claim 7 (emphasis added) and required by claim 11.

Therefore, neither Sugahara nor Yamanaka, taken alone or in any combination, teaches or suggests all claim elements required by claim 11. A *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 11.

Regarding the newly added claim

Applicant has also added new claim 17 to address another aspect of the present invention. Support for claim 17 may be found at, for example, page 13 of the specification. Because claim 17 depends from allowable claim 1, claim 17 is also allowable over the applied references. Further, Applicant respectfully submits that none of the applied references discloses or teaches at least "wherein the plurality of operation modes include a normal operation mode, a power save mode, and a silence operation mode," as recited in claim 17.

Conclusion


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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